

### **REMARKS**

Claims 1, 2, 6-12 and 20 remain pending in the present application. Claims 3-5 and 13-19 have been cancelled. Claims 1, 6-11 and 20 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 3 has been cancelled. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-5 are rejected under 35 U.S.C. § 102(a) or (e) as being anticipated by Lude. Applicant respectfully traverses this rejection. Claim 1 has been amended to define a source of pressurized fluid in selective communication with the working chamber and an electronic control unit in communication with the source of pressurized gas to continuously control the pressure of gas in the working chamber.

Lude discloses a suspension device which has a filling device for filling the working spaces with the working gas including a common feed line (9) for filling both of the working spaces. Lude does not disclose a source of pressurized gas in selective communication with the working chamber. Even if we assume that Lude must in some way have a source of pressurized fluid to connect to feed line 9, Lude does not disclose,

teach or suggest an electronic control unit in communication with the source of pressurized gas which continuously controls the pressure of the gas in the working chamber as is now defined in amended Claim 1. Lude allows the charging of the working chambers and then any source of pressurized gas is disconnected until the pressure within the working spaces of Lude need to be re-charged.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claim 2, which depends from Claim 1, is also believed to patentably distinguish over the art of record. Claims 3-5 have been cancelled. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 12 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lude in view of Grundei, et al. Claim 12 depends from Claim 1. As stated above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claim 12 is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 20 has been amended in the same way as Claim 1 and thus, the discussion of Lude applies here also. Grundei, et al. does not include pressurized gas from an external source or an electronic control unit to continuously control the pressure in the working chamber.

Thus, Applicant believes Claim 20, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

**REJOINDER**

Applicant respectfully requests rejoinder of withdrawn Claims 6-11.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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